# Town Board Minutes

May 19, 2008 Meeting No. 16

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 19<sup>th</sup> day of May 2008 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM, COUNCIL MEMBER

DANIEL AMATURA, COUNCIL MEMBER RONALD RUFFINO, COUNCIL MEMBER DONNA STEMPNIAK, COUNCIL MEMBER

ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK

JOHN DUDZIAK, TOWN ATTORNEY

GEORGE PEASE, ASSISTANT BUILDING INSPECTOR

GARY STOLDT, CHIEF OF POLICE

TERRENCE McCRACKEN, GENERAL CREW CHIEF

RICHARD REESE JR., HIGHWAY SUPERINTENDENT

ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

# PERSONS ADDRESSING TOWN BOARD:

Judge William Boller presented to Lancaster Town Judges Mark Montour and J. Michael Kelleher grant funds from the New York Sate Unified Court System.

Judge Mark Montour thanked the Board for permitting and funding the problem solving court.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

• Minutes of May 5, 2008 meeting

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

 application of Parkhaven Patio Home Subdivision at Bowen Road application for 339-Y condominium status

Kirchoff, Dave, 37 Shadyside Lane, spoke to the Town Board on the following matter:

parking problems on Shadyside Lane

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

Town Hall office hours

#### PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed demolition of an unsafe building in the event that the owner refuses to repair or remove it himself.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Bill Fichter	655 Harris Hill Road	Proponent
Jim Brett	659 Harris Hill Road	Questions
Donald Symer	610 Columbia Avenue	Comments/Proponent
Lee Chowaniec	93 Northwood Drive	Questions
Thomas Breski	652 Harris Hill Road	Questions/Proponent
Susan Gross	645 Harris Hill Road	Proponent

ON MOTION BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:54 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter

#### **PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:**

At 8:54 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Frank Todaro for a rezone of property situate at 5035 Transit Road.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Peter Sorgi, Attorney for petitioner	5500 Main Street	Proponent

ON MOTION BY COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 9:01 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

# PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held May 5, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM VOTED YES

COUNCIL MEMBER AMATURA VOTED YES

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

SUPERVISOR GIZA VOTED YES

May 19, 2008

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated May 6, 2008 has requested the addition of members to the roster of said fire association.

# NOW, THEREFORE, BE IT

**RESOLVED,** that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Town Line Volunteer Fire Department the following individuals:

# **ADDITIONS:**

Paul Corcoran	Vinessa Fallacaro	Jennifer Romaszko
29 Amherston Drive	5317 Broadway	E8390 Clarence Center Road
Williamsville, New York	Lancaster New York	Clarence Center, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 19, 2008

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief, by letter dated May 12, 2008, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the summer of 2008, and

# NOW, THEREFORE, BE IT

**RESOLVED,** that the following individuals be and are hereby appointed to the position of seasonal employees for the summer of 2008 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rate:

NAME	<b>POSITION</b>	RATE/HR.
Anthony Ambrose (rehire) 80 Holland Avenue, Lancaster	Recreation Attendant (Playground Supervisor)	\$8.50
Joseph Aquino (rehire) 399 Lake Avenue, Lancaster	Recreation Attendant (Playground Supervisor)	\$8.50
Julianne Aquino (rehire) 325 Lake Avenue, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Melissa Batt (rehire) 10 Linden Avenue, Lancaster	Recreation Attendant (Playground Supervisor)	\$10.75
Mallory Derkovitz (rehire) 16 Grafton Court, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Matthew Geary (rehire) 2079 Como Park Blvd., Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Katie Herdzik (rehire) 10 Rose Hill Circle, Lancaster	Recreation Attendant (Playground Attendant)	\$7.40
Andrea Horn (rehire) 62 Stutzman Road, Bowmansville	Recreation Attendant (Playground Attendant)	\$7.65
Andrew Kiliszek (rehire) 45 Ashford Place, Depew	Recreation Attendant (Playground Attendant)	\$7.15
Jessica Koerner (rehire) 73 Newberry Lane, Lancaster	Recreation Attendant (Playground Attendant)	\$7.40
Jamie Kremer (rehire) 586 Lake Avenue, Lancaster	Recreation Attendant (Playground Attendant)	\$7.65
Matthew Kremer (rehire) 586 Lake Avenue, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Eric Leon (rehire) 1 Matthews Drive, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Lindsey Marrano (rehire) 26 Hillside Parkway, Lancaster	Recreation Attendant (Playground Attendant)	\$7.65

Andrea Maslowski (rehire) 23 Candice Court, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Lindsay Michalak (rehire) 4 Park Walk, Lancaster	Recreation Attendant (Playground Attendant)	\$7.40
Courtney Monin (rehire) 57 Gale Drive, Lancaster	Recreation Attendant (Playground Supervisor)	\$8.25
Kathryn Porreca (rehire) 30 Southpoint Drive, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Richard Wojciechowski (rehire) 95 S. Irwinwood Road, Lancaster	Recreation Attendant (Playground Supervisor)	\$13.50
Katie Aquino (new hire) 325 Lake Avenue, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Kathryn Boughton (new hire) 16 Pineview Lane, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Alexandria Brunstad (new hire) 22 Woodgate Drive, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Laura Pawlikowski (new hire) 60 Hinchey Avenue, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Joelle Polanowski (new hire) 4793 William Street, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Caitlin Siresi (new hire) 288 Iroquois Avenue, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Robert Stephan (new hire) 14 Main Street, Bowmansville	Recreation Attendant (Playground Attendant)	\$7.15
Sara Wozniak (new hire) 17 Katelyn Lane, Lancaster	Recreation Attendant (Playground Attendant)	\$7.15
Andrea Berry (rehire) 420 Hall Road, Elma	Recreation Attendant (Tennis Instructor)	\$7.90
George Besch (rehire) 39 Lake Avenue, Lancaster	Recreation Attendant (Tennis Supervisor)	\$14.00
Anthony Fronczak (rehire) 19 S. Irwinwood Road, Lancaster	Recreation Attendant (Tennis Instructor)	\$7.90
Cori Greenawalt (rehire) 10 Old Orchard Common, Lancaster	Recreation Attendant (Tennis Instructor)	\$10.00
Aaron Hejmowski (rehire) 17 Briarwood Drive, Lancaster	Recreation Attendant (Tennis Instructor)	\$9.40
Chelsea Mang (rehire) 52 Albert Drive, Lancaster	Recreation Attendant (Tennis Instructor)	\$7.15
Michelle Page (rehire) 102 Simme Road, Lancaster	Recreation Attendant (Tennis Instructor)	\$7.40
Andrew Puleo (rehire) 44 Heritage Drive, Lancaster	Recreation Attendant (Tennis Instructor)	\$7.40
Deanna Stengel (rehire) 46 Court Street, Lancaster	Recreation Attendant (Tennis Instructor)	\$7.90

Nora Murray (new hire) 19 Arrow Trail, Lancaster	Recreation Attendant (Tennis Instructor)	\$7.15
Jessica Page (new hire) 102 Simme Road, Lancaster	Recreation Attendant (Tennis Instructor)	\$7.15
Andrea Roney (new hire) 3690 Walden Avenue, Lancaster	Recreation Attendant (Tennis Instructor)	\$7.15
Riley Stepnick (new hire) 12 Hunters Drive, Lancaster	Recreation Attendant (Tennis Instructor)	\$7.15
James Weiss (new hire) 17 Redlein Drive, Lancaster	Recreation Attendant (Tennis Instructor)	\$7.15
Colleen Anderson (rehire) 45 Erie Street, Lancaster	Lifeguard	\$7.90
Kelsie Blizzard (rehire) 43 Creekwood Drive, Lancaster	Lifeguard	\$7.65
Danielle Egger (rehire) 95 Michael's Walk, Lancaster	Lifeguard	\$7.40
Kathryn Faul (rehire) 208 Siebert Road, Lancaster	Lifeguard	\$8.15
Samantha Gajewski (rehire) 21 Gale Drive, Lancaster	Lifeguard	\$8.40
Emily Grucella (rehire) 3 Harold Place, Lancaster	Lifeguard	\$7.90
Brian Harder (rehire) 14 Hunters Drive, Lancaster	Lifeguard	\$9.00
Kelly Jablonski (rehire) 17 Squirrel Run, Lancaster	Lifeguard	\$8.40
Michael Jansma, Jr. (rehire) 21 Matthews Drive, Lancaster	Lifeguard	\$7.40
Jessica Jaroszewski (rehire) 31 Roosevelt Avenue, Lancaster	Lifeguard	\$7.90
Darren Jurewicz (rehire) 5091 William Street, Lancaster	Lifeguard	\$8.65
Kara Karcher (rehire) 187 Lake Avenue, Lancaster	Lifeguard	\$12.00
Thomas Kasprzyk (rehire) 32 St. Mary's Street, Lancaster	Lifeguard	\$7.40
Austin Kelm (rehire) 153 Hinchey Avenue, Depew	Lifeguard	\$8.40
Keith Krajewski (rehire) 5632 William Street, Lancaster	Lifeguard	\$7.40
Jim Leary (rehire) 19 Hill Valley Drive, Lancaster	Lifeguard	\$7.65

Jordan Manley (rehire) 135 Stony Road, Lancaster	Lifeguard	\$7.40
Jason Pawlikowski (rehire) 60 Hinchey Avenue, Lancaster	Lifeguard	\$7.65
Ryan Pericozzi (rehire) 14 Stony Brook Drive, Lancaster	Lifeguard	\$7.40
Stephanie Pericozzi (rehire) 14 Stony Brook Drive, Lancaster	Lifeguard	\$8.15
Ann Phillips (rehire) 255 Westwood Road, Lancaster	Lifeguard	\$9.75
Amanda Poe (rehire) 15 Windsor Ridge Drive, Lancaster	Lifeguard	\$9.40
Robert Prawel (rehire) 15 Veterans Drive, Lancaster	Lifeguard	\$8.15
Julia Ruggiero (rehire) 10 Candice Court, Lancaster	Lifeguard	\$7.90
Allison Swatsworth (rehire) 794 Ransom Road, Lancaster	Lifeguard	\$7.90
Jamie Volkenner (rehire) 62 Aurora Street, Lancaster	Lifeguard	\$7.90
Nicholas Weigand (rehire) 136 Belmont Avenue, Lancaster	Lifeguard	\$8.15
Kristyn Wind (rehire) 26 Schlemmer Road, Lancaster	Lifeguard	\$9.25
Andrew Zalenski (rehire) 17 Lake Forest Pkwy., Lancaster	Lifeguard	\$7.65
Terence McLaughlin (new hire) 8 Fieldstone Lane, Lancaster	Lifeguard	\$7.15
Brittany Nagowski (new hire) 108 Newberry Lane, Lancaster	Lifeguard	\$7.15
Alyssa Puhacz (new hire) 10 Plumb Creek Trail, Lancaster	Lifeguard	\$7.15
Leah Santasiero (new hire) 31 Michael's Walk, Lancaster	Lifeguard	\$7.15
Chelsea Saxe (new hire) 5206 William Street, Lancaster	Lifeguard	\$7.15
Matthew Speyer (new hire) 75 Babbette Drive, Depew	Lifeguard	\$7.15
Erin Weigand (new hire) 136 Belmont Avenue, Lancaster	Lifeguard	\$7.15
Jennifer O'Connor (rehire) 53 Heritage Drive, Lancaster	Recreation Attendant	\$9.50
Anthony Marrano (new hire) 26 Hillside Pkwy., Lancaster	Laborer	\$7.15

# **BE IT FURTHER**

**RESOLVED,** that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER AMATURA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Consolidated Water District of the Town of Lancaster maintains hydrants along the westerly line of Town Line Road from Schlemmer Road south to the south boundary line of the Town of Alden, and

**WHEREAS**, the Town of Alden Fire Protection District has heretofore contracted with the Consolidated Water District of the Town of Lancaster for the use of said hydrants, and

WHEREAS, the Town Board of the Town of Alden has duly held a public hearing on behalf of the Alden Fire Protection District to contract with the Consolidated Water District of the Town of Lancaster for the said hydrants in accordance with an Agreement approved by the Town Attorney and on file with the Town Clerk, which Agreement has been approved by the Town Board of the Town of Alden;

# NOW, THEREFORE, BE IT

**RESOLVED,** that the Supervisor be and is hereby authorized to execute an Agreement by and between the Town of Alden on behalf of the Alden Fire Protection District, and the Consolidated Water District of the Town of Lancaster, providing for rental of forty-five (45) hydrants along the westerly line of Town Line Road from Schlemmer Road south to the south boundary line of the Town of Alden, commencing April 1, 2008 and terminating March 31, 2013, all in accordance with the terms of said Agreement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 19, 2008

File: rhydrantrentalalden408

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, RJF Development, Joint Venture, P.O. Box 1454, Williamsville, New York 14221, the contract vendee for the rezone of a parcel of land located at the corner of Pleasant View Drive and Pavement Road, Lancaster, New York has petitioned the Town Board of the said Town for the rezone of said property from a Agricultural Residential District (AR) to Neighborhood Business District (NB), and

**WHEREAS**, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

# NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 2<sup>nd</sup> day of June, 2008, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on May 22, 2008, and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

File: rrrezone5035 transit road508

# LEGAL NOTICE REZONE - PUBLIC HEARING PLEASANT VIEW DRIVE AND PAVEMENT ROAD TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on May 19, 2008, the said Town Board will hold a Public Hearing on the 2<sup>nd</sup> day of June, 2008 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from Agricultural Residential District (AR) to Neighborhood Business District (NB):

**ALL THAT TRACT OR PARCEL OF LAND,** situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 8, Section 5, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

**BEGINNING** at the intersection of the north line of Pleasant View Drive with the west line of Pavement Road:

**THENCE:** S-88°-13'-01"-W along the north line of Pleasant View Drive a distance of 300.00 feet;

**THENCE** through the lands conveyed to RJF Development Joint Venture by Deed recorded in the Erie County Clerk's Office in Liber 10898 of Deeds at page 5895 the following two (2) courses and distances;

- 1) N-01°-03'-53"-W a distance of 315.02 feet
- 2) N-88°-13'-01"-E a distance of 300.00 feet to the west line of Pavement Road.

**THENCE** S-01°-03'-53"-E along said west line a distance of 315.02 feet to the point of beginning containing 2.169 acres be the same more or less.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER ABRAHAM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, RICHARD J. KOCH, the owner of real property situate at 60 Michael's Walk in the Town of Lancaster, New York, has submitted an application for a Special Use Permit for a Home Occupation (C.P.A. Office), in accordance with provisions of Chapter 50-Zoning of the Code of the Town of Lancaster;

# NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupations" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a Home Occupation (C.P.A. Office) on premises locally known as 60 Michael's Walk, Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 2<sup>nd</sup> day of June, 2008, at 8:35 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, on May 22, 2008 and be posted on the Town Bulletin Board, and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM VOTED YES

COUNCIL MEMBER AMATURA VOTED YES

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

SUPERVISOR GIZA VOTED YES

LEGAL NOTICE

PUBLIC HEARING TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in

Chapter 50-Zoning, Section 17 (F), "Home Occupations" of the Code of the Town of Lancaster,

and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of

the Town of Lancaster, adopted on the 19th day of May, 2008, the Town Board will hold a Public

Hearing on the 2<sup>nd</sup> day of June, 2008, at 8:35 o'clock P.M., Local Time, at the Town Hall, 21

Central Avenue, Lancaster, New York, to hear all interested persons upon the application of

Richard J. Koch for a Special Use Permit, for a Home Occupation (C.P.A. Office) on premises

locally known as 60 Michael's Walk, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in

interest.

TOWN BOARD OF THE TOWN OF LANCASTER

BY: Johanna M. Coleman

Town Clerk

May 19, 2008

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THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the hours of operation for Town Offices were set by resolution adopted by the Town Board on January 7, 2008, and

**WHEREAS,** many individuals are desirous of flexible working hours during the summer months.

# NOW, THEREFORE BE IT

**RESOLVED**, that the Town Board authorizes department heads to incorporate, at their discretion, flexible working hours for the period commencing with the first Monday in June through the second Friday in September, with employees rotating working hours between 8:00 A.M. to 4:00 P.M. and 9:00 A.M. to 5:00 P.M., with all employees required to take the usual 1-hour lunch break, and always ensuring that at least one (1) individual covers the office between the required Town office hours of 9:00 A.M. and 5:00 P.M.

#### **BE IT FURTHER**

**RESOLVED**, that the policy applies to the following departments:

Town Clerk Courts

Assessor Town Attorney
Building Inspector Parks & Recreation
Supervisor Youth Bureau

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town of Lancaster provides health insurance benefits to certain of its employees and retirees, and

WHEREAS, in an effort to control the spiraling costs of said health insurance benefits, the Town Board wishes to authorize a change to the funding model of its health insurance plan from an experience-rated insured model to a self-funded model effective May 1, 2008, and

**WHEREAS**, the Town's health insurance broker and consultant Premier Consulting Associates has recommended such a change.

# NOW, THEREFORE, BE IT

**RESOLVED** that Town Board of the Town of Lancaster hereby affirms a change to the funding model of its health insurance plan from an experience-rated insured model to a self-funded model effective May 1, 2008, and

#### **BE IT FURTHER**

**RESOLVED** that the Supervisor and the Director of Administration and Finance are hereby authorized to execute any and all documents to effectuate said change and that the Board hereby approves all documents executed in anticipation of the May 1, 2008 implementation date, and

# **BE IT FURTHER**

**RESOLVED** that the Town Board hereby establishes in the accounts of the Town of Lancaster a Proprietary Fund entitled Self Insurance Fund effective May 1, 2008, and

#### **BE IT FURTHER**

**RESOLVED** that the following Budget Amendments be and are hereby approved to the 2008 Adopted Budget of the Town of Lancaster effective May 1, 2008:

Self Insurance Fund	<u>Increase</u>
MS510 Estimated Revenues	1,076,000
MS5031 Interfund Transfers - Transfers In from General Fund (A)	235,000
MS5032 Interfund Transfers - Transfers In from General Fund - TOV (B)	21,000
MS5033 Interfund Transfers - Transfers In from Policel Fund - (P)	615,000
MS5034 Interfund Transfers - Transfers In from Highway Fund - TOV (DB)	205,000
MS960 Budget Appropriations	1,076,000
MS9060.808 Health Insurance	1,076,000

and,

# BE IT FURTHER

**RESOLVED** that the following budget transfers within the 2008 Adopted Budget of the Town of Lancaster be and are hereby approved effective May 1, 2008:

General Fund - Townwide A9060.808 Health Insurance A9901.904 Interfund Transfers, Transfer Out to	Increase	<u>Decrease</u> 235,000
Self- Insurance Fd for employee health ins. A9901.905 Interfund Transfers, Transfer Out to	225,000	
Self- Insurance Fd for retiree health ins.	10,000	
General Fund - Town Outside Villages	Increase	<u>Decrease</u>
B9060.808 Health Insurance B9901.904 Interfund Transfers, Transfer Out to		21,000
Self- Insurance Fd for employee health ins.	21,000	
Delle - Frank	T.,	D
Police Fund P9060.808 Health Insurance	<u>Increase</u>	<u>Decrease</u> 615,000
P9901.904 Interfund Transfers, Transfer Out to		015,000
Self- Insurance Fd for employee health ins.	420,000	
P9901.905 Interfund Transfers, Transfer Out to	40.5000	
Self- Insurance Fd for retiree health ins.	195,000	
Highway Fund - Town Outside Villages	<u>Increase</u>	Decrease
DB9060.808 Health Insurance DB9901.904 Interfund Transfers, Transfer Out to		205,000
Self- Insurance Fd for employee health ins.	187,000	
DB9901.905 Interfund Transfers, Transfer Out to Self- Insurance Fd for retiree health ins.	18,000	

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER AMATURA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, a Public Hearing was held on the 5<sup>th</sup> day of May, 2008 for the purpose of amending Chapter 30, "PERMIT AND APPLICATION FEES", by adding Section 30-42, "Stormwater Pollution Prevention Plans" in its entirety of the Code of the Town of Lancaster, and

WHEREAS, persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of Public Hearing was duly published and posted, and

**WHEREAS,** the Town Board has recommended the proposed amendment of the Code of the Town of Lancaster, County of Erie;

# NOW, THEREFORE, BE IT

**RESOLVED,** as follows:

That Chapter 30 "Permit and Application Fees", Section 30-42, "Stormwater Pollution Prevention Plans." of the Code of the Town of Lancaster, County of Erie and State of New York, is hereby enacted to the Code of the Town of Lancaster to read as follows:

# **CHAPTER 30 - PERMIT AND APPLICATION FEES**

. . . . . . . . . . . .

# §30-42 Stormwater Pollution Prevention Plan Review and Inspection Fee.

A. Stormwater Prevention Pollution Plan Review and Inspection fee shall be paid by the site plan applicant for the review of the Stormwater Pollution Prevention Plan (SWPPP), the review of any subsequent revisions to a SWPPP, and all inspections of development activities/sites associated with enforcing/overseeing implementation of the SWPPP as follows:

#### For Single-Phase Residential & Commercial Development Projects ("Scheme A")

0-5 Acres: \$500.00

5-10 Acres: \$500.00 + \$350.00 = \$850.00

10 + Acres: \$850.00 + \$300.00 for additional 5 acres

# For Multi-Phase Residential & Commercial Development Projects ("Scheme B")

- 1. When the entire project is first being reviewed and approved by the Municipality, use Scheme A above to determine an initial fee based on the entire acreage of the project to be developed in several phases.
- 2. Add \$500.00 for each subsequent phase after the 1<sup>st</sup> initial phase, to be collected at the beginning of each subsequent phase.

and,

# **BE IT FURTHER RESOLVED** as follows:

- That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 19<sup>th</sup> day of May, 2008;
- 2. That a certified copy of this amendment be published in the Lancaster Bee on May 23, 2008;
- 3. That a certified copy of this Amendment be posted on the Town Bulletin Board; and
  - 4. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 19, 2008

File: rstormwaterpollutionspermit508a

# LEGAL NOTICE NOTICE OF ADOPTION AMENDMENT OF CHAPTER 30 - PERMIT AND APPLICATION FEES TOWN OF LANCASTER

**LEGAL NOTICE IS HEREBY GIVEN** that Chapter 30, "Permit and Application Fees", Section 30-42, "Stormwater Pollution Prevention Plan", of the Code of the Town of Lancaster is enacted and reads as follows:

#### **CHAPTER 30 - PERMIT AND APPLICATION FEES**

• • • • • • • • • • •

# §30-42 Stormwater Pollution Prevention Plan Review and Inspection Fee.

A. Stormwater Prevention Pollution Plan Review and Inspection fee shall be paid by the site plan applicant for the review of the Stormwater Pollution Prevention Plan (SWPPP), the review of any subsequent revisions to a SWPPP, and all inspections of development activities/sites associated with enforcing/overseeing implementation of the SWPPP as follows:

# For Single-Phase Residential & Commercial Development Projects ("Scheme A")

0-5 Acres: \$500.00

5-10 Acres: \$500.00 + \$350.00 = \$850.00

10 + Acres: \$850.00 + \$300.00 for additional 5 acres

#### For Multi-Phase Residential & Commercial Development Projects ("Scheme B")

- 1. When the entire project is first being reviewed and approved by the Municipality, use Scheme A above to determine an initial fee based on the entire acreage of the project to be developed in several phases.
- 2. Add \$500.00 for each subsequent phase after the 1<sup>st</sup> initial phase, to be collected at the beginning of each subsequent phase.

May 19, 2008

**STATE OF NEW YORK**:

**COUNTY OF ERIE** : ss:

TOWN OF LANCASTER:

This is to certify that **I**, **Johanna M. Coleman**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of an Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 19<sup>th</sup> day of May, 2008 and that the same is a true and correct copy of said original and of the whole thereof.

**IN WITNESS WHEREOF,** I have hereunto set my hand and affixed the seal of said Town this 19<sup>th</sup> day of May, 2008.

Johanna M. Coleman, Town Clerk

(SEAL)

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, two vacancies for the position of Lieutenant exist in the Police Department of the Town of Lancaster due to the recent retirement of Lieutenant James Sugg and the promotion of Lieutenant Gerald Gill to the position of Detective Lieutenant, and

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated May 15, 2008, has requested the promotions of Police Officer John Robinson and Police Officer Mitchell Converse to the position of Lieutenant effective June 1, 2008.

\_\_\_\_NOW, THEREFORE BE IT

**RESOLVED**, that **John Robinson and Mitchell Converse** be and are hereby appointed to the position of Lieutenant in the Town of Lancaster Police Department effective June 1, 2008, with benefits and salary in accordance with the departmental procedures and as set forth in the current Police Benevolent Association contract.

# BE IT FURTHER,

**RESOLVED,** that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER AMATURA. TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has previously advertised for bids for furnishing eight (8) new 2008 Police Vehicles to the Police Department of the Town of Lancaster in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

**WHEREAS**, the Chief of Police of the Town of Lancaster has recommended the purchase of the beforementioned vehicles in accordance with said specifications from the low bidder thereon, DeLacy Ford, Inc., 3061 Transit Road, Elma, New York 14059;

#### NOW, THEREFORE, BE IT

#### RESOLVED, as follows:

- 1. That the bid of DeLacy Ford, Inc. is accepted and that an order for these vehicles is hereby authorized to be placed by the Chief of Police as follows:
  - A. The purchase of eight (8) 2008 Police Vehicles at a unit price of \$19,596. for each of the 2008 Ford Fusions, and \$25,624. for each of the Ford Crown Victorias for a total expenditure of \$152,736. minus the trade-in allowance for each vehicle as set out in the bid.
- **2.** That the following vehicles be traded to DeLacy Ford, Inc., as per the trade-in allowances listed on the Bid Form:

A.	One (1) 2006 Ford Crown Victoria Vin #2FAHP71W36X140005	\$6,300.00
В.	One (1) 2006 Ford Crown Victoria Vin #2FAHP71W76X140007	\$6,000.00
C.	One (1) 2006 Ford Crown Victoria Vin #2FAHP71W06X140009	\$6,300.00
D.	One (1) 2006 Ford Crown Victoria Vin #2FAHP71W56X140006	\$6,300.00
E.	One (1) 2006 Ford Crown Victoria Vin #2FAHP71W55X139422	\$6,600.00
F.	One (1) 2006 Ford Crown Victoria Vin #2FAHP71W96X140008	\$6,100.00
G.	One (1) 2001 Ford Crown Victoria Vin #2FAFP71W6XX209200	\$1,800.00
Н.	One (1) 1999 Ford Crown Victoria Vin #2FAFP71W51X177119	\$800.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Towns of Lancaster and Cheektowaga are desirous of possessing the same regulations in order to have consistency for mitigation of traffic impacts for the future development of Transit Road, and

WHEREAS, the Town Board deems it to be in the public interest to amend the Code of the Town of Lancaster by the enactment of a Town Ordinance entitled "Transit Road Access Management" and further identified as Chapter 45 of said Code;

# NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 130 the Town Law of the State of New York and pursuant to a resolution adopted on May 19, 2008 by the Town Board of the Town Lancaster, a public hearing will be held during a joint meeting of the Town Boards of the Town of Lancaster and the Town of Cheektowaga on the 11<sup>th</sup> day of June, 2008 at 6:30 o'clock P.M., Local Time, at the Depew High School Auditorium, 5201 S. Transit Road, Depew, New York and that Notice of Time and Place of such hearing shall be published on May 22, 2008 in the Lancaster Bee, the official newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board in the Form attached hereto and made a part of hereof, which ordinance shall read as follows:

#### Chapter 45

# DRAFT PRELIMINARY

# TRANSIT ROAD ACCESS MANAGEMENT ORDINANCE

# TOWN OF LANCASTER, NEW YORK MARCH 17, 2008

This Ordinance establishes the Town of Lancaster Transit Road Overlay District and regulations applicable to properties in this District.

#### ARTICLE I

#### **PROVISIONS**

# § 45-1 Purpose

- A. The regulations established by this Ordinance are intended to assure the safe and efficient operation of Transit Road by establishing development and subdivision requirements applicable to properties within this District and, thereby, to:
  - (1) Provide for the full reasonable development of all properties according to the Zoning Law served by traffic using Transit Road.
  - (2) Preserve the health and welfare of the general population of the Town and such others who use or are affected by the operations of Transit Road.
  - (3) Minimize the public expenditures which might otherwise stem from poorly managed or coordinated development of properties fronting on or obtaining access from Transit Road.
  - (4) Promote the efficient flow of traffic and enhance public safety by reducing conflicting traffic movement.
  - (5) Preserve public investment in new and existing public improvement expenditures.
  - (6) Implement the policies and recommendations of the Town of Lancaster Comprehensive Plan, and the recommendations of the Transit Road Corridor Management Study (June 2004) and the ongoing Lancaster Traffic Study.

# § 45-2 Transit Road Overlay District Boundary

- A. The requirements set out in this Ordinance shall apply to all properties with frontage on Transit Road and all properties obtaining access from or through properties on Transit Road for its entire length in the Town of Lancaster except the Village of Depew.
- B. The requirements of this Ordinance shall also apply to all properties obtaining access from any road intersecting Transit Road for a distance of 600 feet from the intersection with Transit Road.

# § 45-3 Applicability

- A. All subdivisions of land receiving preliminary approval after the date of adoption of this Ordinance and all lots created by such subdivisions shall conform to the maximum extent practicable with the requirements and objectives of this Ordinance.
- B. Any construction, alteration, or change of use on a lot existing prior to the date of adoption of this Ordinance which requires site plan approval shall demonstrate conformance to the maximum extent practicable with the requirements and objectives of this Ordinance.

# § 45-4 Relationship to Other Town Requirements

A. The regulations contained within the Transit Road Overlay District Ordinance are not intended to be substituted for the existing requirements applicable in each zoning district in this Transit Road Overlay District but are to be superimposed over such district provisions and should be considered as additional requirements to be met by each applicant prior to final site plan or subdivision approval.

#### § 45-5 Administration

**B.** The Town Board of the Town of Lancaster, New York the Town Code Enforcement Officer or the Town Engineer, or other designee shall administer and enforce the provisions of this ordinance.

B. Notification procedures for public hearings on zoning changes, special use permits, variances, site plan reviews or subdivision reviews within the Overlay District Boundaries, shall follow the most recent provisions of General Municipal Law 239-nn, including notification of adjoining communities.

# § 45-6 Effective Date

C. This ordinance shall be in full force and effect after its approval and publication as provided by Town Law.

#### ARTICLE II DEFINITIONS

- § 45-7 ACCESS- A way or means of approach to provide vehicular or pedestrian entrance or exit to a parcel.
- **§ 45-8** ACCESS CONNECTION, VEHICULAR Any driveway, private street, turnout, or other means of providing for the movement of vehicles to or from a public street.
- **§ 45-9** ACCESS MANAGEMENT The process of locating and designing vehicular access connections to preserve the flow of traffic in terms of safety, capacity and speed.
- § 45-10 CLEARANCE ZONE Distance from the Centerline of Transit Road Right of Way to a parallel line crossing frontage parcels.
- § 45-11 CORNER CLEARANCE The distance from an intersection of two or more streets to the nearest access connection.
- § 45-12 CROSS ACCESS The layout of circulation patterns and recording of a permanent enforceable right of access to allow travel between two or more contiguous parcels without traveling on a public street.
- § 45-13 DRIVEWAY Any entrance or exit used by vehicular traffic to or from land or building to an abutting street.
- § 45-14 DRIVEWAY, SHARED A driveway in common ownership or subject to a permanent enforceable right of access by those traveling to or between two or more parcels
- § 45-15 ECDPW Erie County Department of Public Works
- § 45-16 FUNCTIONAL AREA (INTERSECTION) The area adjacent to the intersection of two or more streets that encompasses required vehicle queuing areas and the decision and maneuvering area for vehicles using the intersection.
- § 45-17 GBNRTC Greater Buffalo Niagara Regional Transportation Council.
- § 45-18 ITE Institute of Transportation Engineers
- § 45-19 NONCONFORMING ACCESS An access connection existing prior to the date of adoption of this Ordinance which in its design or location does not conform with the requirements of this Ordinance.
- § 45-20 NYSDOT New York State Department of Transportation
- § 45-21 PARCEL A division of land comprised of one or more contiguous lots in common ownership.
- § 45-22 PEAK HOUR TRIP (PHT) GENERATION A weighted average vehicle trip generation rate during the hour of highest volume of traffic entering and exiting the site or the highest volume of the adjacent street.
- § 45-23 REASONABLE ACCESS The minimum number and type of access connections, direct or indirect, necessary to provide safe access to and from a public street.
- § 45-24 RESTRICTIVE MEDIAN A physical barrier such as a metal or concrete structure or a grass or landscaped island within the street right-of-way that separates traffic by direction of travel.

- § 45-25 STREETS, ACCESS and DEVELOPMENT Streets not otherwise classified. The primary function of such streets is to move traffic within subdivisions and large developments and to provide access to individual lots.
- **§ 45-26** STREET, LOCAL The primary functions of such streets is to move traffic between subdivisions as well as to provide access to individual lots.
- § 45-27 TEMPORARY ACCESS Provision of direct access to a street until such time as adjacent parcels are developed and planned access via a shared driveway or access development street can be implemented.
- § 45-28 TOWN BOARD Town Board of the Town of Lancaster, New York.

#### ARTICLE III GENERAL REQUIREMENTS

#### § 45-29 Agency Standards

- A. Access and circulation shown on subdivision and site plans developed under this Ordinance shall also conform to the requirements of other federal, state, and local agencies. This includes but is not limited to transportation agency standards for stopping and intersection sight distances and signal warrants.
- B. Deviations from the standards outlined in this Ordinance must be based on documentation from a qualified traffic engineer that an alternative access arrangement provides equal or greater safety and mobility and comparable or lower adverse environmental impacts. All such deviation must be in accordance with the procedures and requirements for obtaining an area variance.
- C. Justification for deviations from the standards outlined in this Ordinance may not be based on self-created conditions.

# § 45-30 Access Connections

A. Parcels created after the effective date of this Ordinance do not have the right of individual access to public streets. The number of access connections is to be the minimum necessary to provide safe and reasonable access. This may be less than the number of access connections which would be allowed based solely on minimum property width requirements.

# § 45-31 Direct Access and Easements

B. New public or private streets, shared driveways or cross access may be necessary to meet the requirements of this Ordinance. If access is to be provided by means other than direct access to a public street, a permanent recorded easement, which runs with the land, shall be executed. In addition, operating and maintenance agreements for all such facilities shall be recorded with the deed. The easement shall not be modified without approval of the jurisdictional board or department.

#### § 45-32 Access Limitations

C. Parcels with frontage on more than one street may be limited to one access connection to the lowest class of street, as established in the Comprehensive Plan, serving the proposed development.

#### § 45-33 Trip Generation Determinations

D. Where trip generation projections are required to determine standards to be applied through this ordinance they shall be based upon the most recent methods published by the ITE and/or local conditions as verified by the GBNRTC.

#### § 45-34 Waivers and Variances

E. Any applicant for access approval under the provisions of this Article ( or Article IV) may apply for a waiver of standards if the applicant cannot meet one or more of the standards according to the procedures provided below:

- (1) For waivers on properties involving land uses with less than 300 vehicle trips per day based on rates published in the <u>Trip Generation Manual</u> of the ITE: Where the standards in this Article (or Article IV) cannot be met, suitable alternatives, documented by a registered traffic engineer and substantially achieving the intent of the Article (or Article IV) may be accepted by the Town Board, provided that all of the following apply:
  - (a) The use has insufficient size to meet the dimensional standards.
  - (b) Adjacent development renders adherence to these standards not economically feasible.
  - (c) There is no other reasonable access due to topographic or other considerations.
  - (d) The standards in this Article (or Article IV) shall be applied to the maximum extent practicable.
- (5) For waivers on properties involving land uses with more than 300 vehicle trips per day based on rates published in the <u>Trip Generation Manual</u> of the ITE: During site plan review the Town Board shall have the authority to waive or otherwise modify the standards following an analysis of suitable alternatives documented by a registered traffic engineer and the GBNRTC substantially achieving the intent of this Article (or Article IV), provided all of the following apply:
  - (a) Access via a shared driveway or front or rear service drive is not possible due to the presence of existing buildings or topographic conditions.
  - (b) Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
  - (c) The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
  - (d) The proposed location and design is supported by the ECDPW Division of Highway or the NYSDOT, as applicable, as an acceptable design under the circumstances.
- E. Variance Standards. The following standards shall apply when the Town Board considers a request for a variance from the standards of this Article.
  - The granting of a variance shall not be considered until a waiver under Section 41-32A or a temporary access permit under Section 41-33 has been considered and rejected.
  - (2) Applicants for a variance must provide proof of practical difficulties unique to the parcel (such as wetlands, a pre-existing odd parcel shape or narrow frontage, or location relative to other buildings, driveways or an intersection or interchange) that make strict application of the provisions of this Article (or Article IV) impractical. This shall include proof that:
    - [a] Indirect or restricted access cannot be obtained; and,
    - (b) No reasonable engineering or construction solution can be applied to mitigate the condition; and,
      - (c) No reasonable alternative access is available from a road with a lower functional classification than the primary road; and,
      - Without the variance, there is no reasonable access to the site.
  - (5) The Town Board shall make a finding that the applicant for a variance met their burden of proof under B.2 above, that a variance is consistent with the intent and purpose of this Article, and is the minimum necessary to provide reasonable access.
  - Under no circumstances shall a variance be granted unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an unnecessary hardship on the applicant. No variance shall be granted where such hardship is self-created.

# § 45-35 Temporary Access and Provisional Access Site-Plan Approvals

- A. The Town Board may grant temporary access and require modification and or replacement of such access subject to the following:
  - (1) The required access modification or replacement shall be identified and incorporated in the site plan approval. These modifications or replacement might include those elements identified in Section § 41-34 Access Alternatives.
  - (2) The event(s) or condition(s) which would trigger the requirement for such access modification or replacement shall be identified and incorporated in the site plan approval. These might include but are not limited to development of an abutting property, the construction of access roads, reconstruction or improvements to Transit Road, or significant deterioration of traffic conditions or safety on Transit Road.
- C. The Applicant shall be responsible for such required access modification or replacement, subject to a determination by the Town Board that the costs of the required access modification or replacement should be shared.
- D. Covenants necessary to secure the ability to make such required access modifications or replacements, such as easements, shall be identified and established by the Town Board and conveyed to the Town and/or incorporated to the property deed to run with the land.

# ARTICLE IV SPECIFIC ACCESS REQUIREMENTS

#### § 45-36 Access Alternatives

- A. The Town Board may, in consultation with the Town Engineer, determine that a full service access connection to Transit Road will create unsafe conditions or will detrimentally impact traffic operations on Transit Road and require alternative access arrangements, including but not limited to the following:
  - (1) Reverse access to an access or development road with no connection to Transit Road:
  - (2) Construction of a driveway to be shared with an abutting property or properties;
  - (3) The interconnection of parking areas;
  - (4) The establishment of paired access connections, each serving entering or exiting traffic only; and
  - (5) The imposition of turn restrictions, generally restricting driveways to right turns in and/or right turns out, only.

## § 45-37 Driveway Spacing and Location Standards

- A. Minimum recommended spacing between driveways on the same side of Transit Road are as follows:
  - (1) For developments generating fewer than 150 peak hour trips, the minimum driveway spacing is three hundred (300) feet;
  - (2) For developments generating between 150 and 300 peak hour trips, the minimum driveway spacing shall be four hundred and fifty (450) feet;
  - (3) For developments generating over 300 peak hour trips, the minimum driveway spacing shall be six hundred (600) feet.
- B. Driveway spacing is to be measured from the center-line of each driveway.
- C. Access connections on opposite sides of the street not separated by a restrictive median shall be aligned or offset so as to reduce left-turn overlap conflicts between vehicles traveling in the opposite direction.

- D. On the advice of the Town Engineer, the Town Board may adjust the required driveway spacing standard based on the volume of site generated traffic, the impact of site generated traffic on the operation of the adjacent street, or posted or operational speeds in the vicinity of the proposed site.
- E. The Town Board as part of site plan review will evaluate how proposed driveway location impacts opportunities to develop abutting properties. At a minimum such evaluation shall identify any sight distance and alignment/offset constraints and indicate whether compliance with the recommended spacing standards is practicable for abutting properties based on the applicant's proposed driveway location.

# § 45-38 Corner Clearance

- A. Driveways for corner parcels shall be located outside of the functional area of the intersection or no closer than 220 feet from the intersection, whichever is greater.
- B. If parcel boundaries or topography preclude the location of a driveway at or more than the minimum corner clearance spacing, access may be limited to right turns in and right turns out, as determined by the Town Engineer, and the driveway shall generally be located as far from the intersection as possible and in the safest possible location.
- C. On the advice of the Town Engineer, the Town Board may increase the required corner clearance spacing standard based on traffic volumes, the impact of site generated traffic on the operation of the adjacent street, or posted or operational speeds in the vicinity of the proposed site.
- D. Corner clearance is to be measured along the street right-of-way from the centerline of the driveway pavement to the closest edge of the existing or proposed street pavement.

# § 45-39 Clearance Zone

- A. A clearance zone of 50 feet measured from the centerline of Transit Road shall be required for all properties with frontage on Transit Road and for all properties with frontage on roads intersecting Transit Road for a distance of 300 feet from such intersection.
- B. No permanent structure or use, including parking or other appurtenances serving traffic, holding ponds, septic systems, or any other use which by their removal or relocation would render the property economically unusable or in conflict with other federal, state or local requirements or which would substantially diminish the value of the property shall be allowed within the clearance zone.
- C. Utilities, lighting, drainage, and pedestrian and bicycle facilities may be located within the clearance zone.

# § 45-40 Street and Signal Spacing Along Transit Road

Intersection and signal spacing standards shall be applied, as development occurs, to preserve desirable location and alignment of streets to serve future growth and provide an efficient local transportation system.

- A. The following intersection and signal spacing standards shall apply.
  - (1) The minimum through street (4-way) intersection spacing shall be 1,320 feet.
  - (2) The minimum side street (3-way) intersection spacing shall be 660 feet.
  - (3) The minimum spacing between signalized intersections shall be 1,320 feet.
- B. Intersection and signal spacing standards shall be measured from the centerline of each intersecting road or signalized connection to the centerline of the next intersecting road or signalized connection.
- C. Intersection and signal spacing standard recommendations shall be applied or amended under advisement of the Town Engineer, the NYSDOT and/or the ECDPW.

# § 45-41 Driveways to Developments Requiring Traffic Signals

In order to promote the rational development of the local transportation system, to minimize public cost for necessary improvements in the future, and to maintain the safe and efficient operation of this system, the Town Board may require that:

- A. Driveways to developments requiring a traffic signal are to be located so as to serve an opposing road or driveway.
- B. The driveway connection to the signal is accessible by abutting properties, including through properties or roads where possible. The Town Board may require an easement to be provided to the Town from the driveway to abutting properties if the abutting properties or a local road may be developed in the future.
- C. The driveway connection to the signal shall be designed to local road standards and when connected to abutting properties or through roads, an easement for the driveway shall be provided to the Town on the determination of the Town Board.

# § 45-42 Special Requirements

- A. Design of driveways and internal circulation.
  - (1) Driveways and on-site circulation shall be designed so as to provide for the safe and efficient movement of traffic between the roadway and the site, and to eliminate the potential for the queuing of vehicles along the roadway due to congestion in or at the driveway.
  - (2) Driveway location, width, radii, flare, throat length, and other elements of the circulation system for developments generating more than 150 peak hour trips shall be based upon consultation with qualified traffic, engineering and design professionals. The Planning Board may retain such a professional to review the design at the cost of the applicant.

#### B. Shared Access

Shared Access is strongly encouraged and in some cases may be required. When required, one or more of the following options and the standards of Section 41-34 apply.

- (1) Shared Driveways. Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of § 41-35, "Driveway Spacing and Location Standards", a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.
- (2) Frontage Roads. In cases where a frontage road exists, is recommended in either a traffic impact study, Comprehensive Plan or in a GBNRTC Traffic study, and/or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided via such frontage road, rather than by direct connection to the abutting arterial street.
- (3) Rear Service Drives. Rear service drives shall be encouraged, especially for locations where connection to a side street is available. In addition to access along the rear service drive, direct connections(s) to the arterial street may be allowed, provided that the driveways meet the requirements of § 41-34, "Access Alternatives", and § 41-35, "Driveway Spacing and Location Standards".

# D. Parking Lot Connections

Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Town Board. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.

#### ARTICLE V OTHER REQUIREMENTS

# § 45-43 Landscaping

- A. Cultivation. No person may cultivate, plant harvest, or maintain agricultural crops, trees, bushes, or shrubs within the Clearance Zone.
- B. Landscaping. No person may cultivate, plant, or maintain grasses, flowers, vegetables, or other vegetation in any manner that obstructs visibility of a road or otherwise interferes with, obstructs, or renders dangerous for passage of the Clearance Zone.

#### § 45-44 Obstructions and Junk

- A. Obstructions. No person may place, maintain, or allow any obstructions in the Clearance Zone other than those specifically permitted by this ordinance, by state law or rule, or by written approval of the Town Board. Items prohibited by this section include, but are not limited to, fences, posts, structures, piled materials, hay bales, vehicles, trailers, campers, equipment, or any other items that interfere with the safe use or the maintenance of the Clearance Zone. No person shall park a functioning vehicle in the Clearance Zone in such a way as to unreasonably interfere with safe use of the road or the maintenance of the Clearance Zone.
- B. Junk. No person shall place or maintain junk in the Clearance Zone.

#### § 45-45 Alteration of Grade

A. No person may alter or change the depth or contour of any portion of any ditch or embankment in the Clearance Zone without written approval of the Town Board.

# § 45-46 Mailboxes, Signs, and Newspaper Boxes

- B. Mailboxes. Mailboxes are permitted in the Clearance Zone if they do not interfere with, obstruct, or render dangerous passage for the road. Mailboxes placed within the Clearance Zone must comply with all state standards. The Town Board may remove and replace mailboxes at the owner's expense that do not comply with state standards.
- C. Signs. No sign of any nature may be placed or is allowed to remain in the Clearance Zone except an official traffic sign placed by a governmental authority or other signage expressly permitted by state law.
- D. Newspaper Boxes. No person shall place or maintain a newspaper box in the Clearance Zone.

# § 45-47 Approaches and Headwalls

- A. Approaches. No person may construct or reconstruct any approach without first obtaining approval from the Town Board. A person may be required to submit a map or drawing of the existing or proposed approach when seeking approval. If approved, the person constructing or reconstructing the approach is responsible for paying all the costs related thereto.
- B. Headwalls. No person may construct or reconstruct a headwall in a way that interferes with safe use or maintenance of the Clearance Zone.
- C. Culverts. A person constructing or reconstructing an approach may be required to install a culvert meeting NYSDOT specifications, if the Town Board determines a culvert is necessary for suitable approach to the road and to promote adequate drainage of the Clearance Zone.

# § 45-48 Utility Service Providers

A. No utility service provider may install or relocate any utility without first obtaining approval from the Town Board. A utility service provider may be required to submit a map or drawing of the existing or proposed installation or relocation when seeking approval. If approved, the utility service provider installing or relocating its facility is responsible for paying all the costs related thereto.

#### § 45-49 Permission

B. Limitations. Any person receiving permission or permits as provided in this ordinance must comply with all applicable federal, state, and local laws and rules as well as all applicable Town ordinances, resolutions, specifications, regulations, and policies. Any person receiving permission or permits must comply with all conditions, requirements, and limitations of the Town Board expressed as part of the permission or permit. Failure to comply with any condition, requirement, or limitation shall void the permission or permit and could place the person in violation of this ordinance.

#### ARTICLE VI NONCONFORMING AND PREEXISTING ACCESS

# § 45-50 Conditions

- C. Access connections in place prior to the effective date of this Ordinance which do not conform to the requirements of this Ordinance shall be treated as pre-existing nonconforming access features as long as there is no physical change in the access, change in the land use served by the access, or intensification of the land use served by the access, and subject to the following.
- D. The feasibility of bringing nonconforming access connections into compliance with the minimum driveway spacing requirements (§ 41-35 Driveway Spacing and Location Standards) requirements of this Ordinance shall be evaluated under the following conditions:
  - (1) When a new driveway access permit is requested; or
  - (2) When proposed changes increase the peak hour site generated traffic by 50 or more peak hour trips; or
  - (3) In conjunction with state or county improvement projects; or
  - (4) When it can be demonstrated that the number, location and design of access to the parcel are related to accidents along Transit Road or on the parcel.

# § 45-51 Improvement Alternatives

- A. If the minimum driveway spacing requirements (§ 41-35) cannot be met, alternative improvements to access may be evaluated at the direction of the Town Board in consultation with the Town Engineer. These may include the following:
  - (1) Elimination and/or consolidation of access connections.
  - (2) Realignment or relocation of access connections.
  - (3) Provision of shared driveways or cross access connections.
  - (4) Provision of rear access.
  - (5) Restriction of vehicle turning movements.
  - (6) Changes in the design and layout of the access connection(s) and on-site parking and circulation.
  - (7) Traffic demand management.

# § 45-52 Feasibility Evaluations

A. The objective of the feasibility evaluation is to identify and make recommendations to improve the operational and safety characteristics of access by bringing the number, location, spacing, and design of access connections into closer conformance with the requirements of this Ordinance.

# § 45-53 Implementation

B. The Town Board can require implementation of access changes that will improve traffic operations, safety, or overall access.

# ARTICLE VII REQUIRED MITIGATION OF TRAFFIC IMPACTS

# § 45-54 Action Level

C. Any proposed development or subdivision projected to generate more than 150 peak hour trips may be required to mitigate the traffic impacts of such new development or subdivision. Required mitigation shall be recommended by a qualified traffic engineer and reviewed by GBNRTC for corridor wide impacts. Final mitigation shall be based on a comprehensive traffic study completed in accordance with the procedures of the State Environmental Review Quality Act (SEQRA).

#### § 45-55 Required Mitigation

D. Required mitigation may include but shall not be limited to the installation of signals, turning lanes, medians, the use of shared driveways, cross access, or the construction of access or development streets, and/or other traffic demand management strategies.

# § 45-56 Phased Mitigation

E. Phased mitigation may be allowed where phased development is proposed.

#### ARTICLE VIII MODIFICATION OF STANDARDS

# § 45-57 Spacing Standards

- F. Deviations up to 100 feet may be authorized by the Town Board where a property is unable to meet the minimum access connection spacing standards and where the deviation will not cause a safety problem.
- G. The Town Board may also approve a second access connection for a parcel under single ownership where, due to restrictions caused by topography or natural features such as a river or channel, the parcel is effectively split for purposes of use into two separate and non-connected land areas that cannot be reasonably connected internally for access purposes.

#### § 45-58 Approval Conditions

- A. The Town Board may attach conditions to an approval of a request as deemed necessary to promote the spirit and intent of this ordinance, including but not limited to:
  - (1) The access may be approved as an interim access to be phased out at a future time.
  - (2) Certain turning movements to and from the access may be restricted at the time of construction or at a future date, based on existing or anticipated traffic volumes.
  - (3) The access may be required to serve existing or future adjacent property by means of a shared entrance or cross access easement.
  - (4) Other conditions based on the conclusions and recommendations of a traffic impact study, GBNRTC review or review by the Town Engineer.

# ARTICLE IX ENFORCEMENT AND PENALTY

A. An access connection to Transit Road constructed or established after the effective date of this ordinance without an approved access permit or in violation of an approved access permit shall be considered illegal. The Town Board may order discontinuance of its use and may order its removal. The party responsible for installing an illegal access shall be responsible for all costs including any borne by the Town of Lancaster, associated with closure of the access, the removal of the access connection and restoration of the ditch or highway area to its previous condition.

- (1) Correction Order. Upon discovery of a violation of this ordinance, the Town Board may issue a correction order to the violator ordering the person to correct the violation by a specified date and time. If the violator fails to comply with the correction order by the time indicated in the order, the Town Board may provide for the correction of the violation. Issuance of a correction order does not preclude imposition of the penalty set forth in this ordinance.
- (2) Immediate Correction. If the Town Board determines that the violation creates an immediate threat to public safety, the Town Board will make a good faith effort to notify the violator to immediately correct the situation. If the Town Board is not able to promptly reach the violator, or if the violator fails to immediately correct the situation upon notification, the Town Board will provide for the correction of the violation.
- (3) Cost of Correction. The cost of correcting a violation shall be the responsibility of the violator. If the Town Board provides for the correction of the violation, all expenses incurred, including reasonable attorney's fees shall be billed to the violator. If the bill is not paid by the due date, the Town Board may exercise any of its options available under the Town Law, to collect the amount due.
- (4) Penalty. Any person who violates this ordinance shall be guilty of a misdemeanor and subject to the penalties for such as provided in State law. Each day of existence of such violation shall constitute a separate offense.

# Paragraph 45-35 Comment:

(COMMENT: as evidenced by conditions on Transit Road, now, access conditions that are reasonable when a development is constructed can have significant problems or result in significant impacts to traffic safety and operations in the future, as development and traffic increase. This Section provides the Town with the capacity to anticipate that access improvements will be necessary when conditions change, identify probable improvements, and establish requirements to facilitate the implementation of such alternatives.)

#### **Article VI Comment:**

(<u>COMMENT</u>: Access conditions at properties which are already developed are grandfathered as by right. However, the location and design of access to most developed properties is deficient and this creates significant traffic problems.

In many cases deficient access conditions can be addressed, this Section provides the authority for the Town Board to require reasonable access improvements under reasonable conditions.

It would be practically impossible (or largely unworkable) to define specific requirements which would address the widely varied size, access, and site, trip and traffic conditions of businesses along Transit. Instead, this Section defines (i) when it would be reasonable to consider access modifications at existing developments and (ii) the type of modifications that would be considered. The determination of whether such modifications would be required is discretionary, is up to the Town Board, but should be reasonable.)

# Potential revision to Subdivision Code:

#### § Subdivisions.

(COMMENT: Subdivision requirements are normally set-out in a separate section of the Town Code. It is included in this ordinance as applying uniquely to the potential subdivision of properties in the Transit Road Overlay District. It might be desirable to incorporate these requirements Town-wide by incorporating this sub-Section to the general subdivision requirements.)

All proposed development of land located within the Transit Road Overlay District which involves the subdivision of a parcel of land as of the effective date of the adoption of these regulations shall be subject to the following criteria:

- A. Planned access shall be provided for lots which are the result of subdivisions occurring after the effective date of this Section.
- B. Planned access shall address the provisions of this Section and the following:
  - (1) Lots which are the result of a subdivision do not have the right of individual access to public roads. The number of driveways or other connections shall be the minimum number necessary to provide reasonable access to these lots, not the maximum available for the frontage.
  - (2) Driveways shall be provided to the road with the lowest functional classification serving the proposed land use.
  - (3) Access should be internalized. Access to lots within a subdivision should be obtained from an access road or interior road.
  - (4) The access system for the proposed subdivision should be coordinated with existing, proposed and planned streets outside the subdivision.
- C. Shared driveways, cross access driveways, interconnected parking, and private roads constructed to provide access to lots internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.

The question of the adoption of the foregoing resolution was put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

LEGAL NOTICE

PUBLIC HEARING

CHAPTER 45-TRANSIT ROAD ACCESS MANAGEMENT ORDINANCE

TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on May 19, 2008, the said Town Board will hold a Public Hearing during a joint meeting of the Town Boards of the Town of Lancaster and the Town of Cheektowaga on the 11th day of June, 2008 at 6:30 o'clock P.M. Local Time, at the Depew High School Auditorium 5201 S. Transit Road, Depew, New York, to hear all interested persons upon the proposed Transit Road Access Management Ordinance. The purpose of the ordinance is to establish procedures and guidelines for the future development of frontage parcels along Transit Road with an emphasis on mitigating cumulative adverse traffic impacts.

 $\label{eq:full_problem} Full \ \mbox{opportunity to be heard will be given to any and all citizens} \\ \mbox{and all parties in interest.}$ 

TOWN BOARD OF THE TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS,** the Highway Superintendent of the Town of Lancaster, by letter dated May 16, 2008, has requested the appointment of a two part-time seasonal laborers to work in the Highway Department for the 2008 Summer season.

# NOW, THEREFORE, BE IT

**RESOLVED**, that the following individuals be appointed to the position of laborer part-time, seasonal for the 2008 Summer season in the Highway Department, and that this being a part time position, provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

NAME	RATE	EFFECTIVE DATE
Aaron Stewart 200 Seneca Place, Lancaster	\$8.75 per hour	May 27, 2008
Ryan Rybinski 65 Church Street, Lancaster	\$8.50 per hour	June 16, 2008

# BE IT FURTHER,

**RESOLVED,** that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of Administration and Finance, to wit:

Claim No. 2200 to Claim No. 2469 Inclusive

Total amount hereby authorized to be paid: \$408,505.22

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM

COUNCIL MEMBER AMATURA

COUNCIL MEMBER RUFFINO

COUNCIL MEMBER STEMPNIAK

VOTED YES

VOTED YES

SUPERVISOR GIZA

VOTED YES

May 19, 2008

File: Rclaims

#### THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, SECONDED BY MOVED ITS ADOPTION, COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

# **CODES:**

Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this (SW) =permit.

(CSW) = Conditional sidewalk waiver. (V/L) = Village of Lancaster

# **NEW PERMITS:**

15521	Duro-Shed Inc	13 Plumb Creek Trl	Er. Shed	
15522	Homestead Designs	33 E Home Rd	Er. Shed	
15523	Sun Enterprises Inc	43 Chicory Ln	Er. Shed	
15524	Chilelli, Louis	26 Grafton Ct	Er. Deck	
15525	Buscaglia Decks	5011 William St	Er. Deck	
15526	Sieprawski, John	250 Aurora St	Er. Deck	
15527	Duro-Shed Inc	30 Sawgrass Ln	Er. Shed	
15528	Duro-Shed Inc	267 Pavement Rd	Er. Shed	
15529	Juda, James	28 Liberty St	Re-Roof House	(V/L)
15530	Koss, Andrew	150S Irwinwood Rd	Re-Roof House	(V/L)
15531	Quinn, Angela	20 Cloverside Dr	Er. Fence	(V/L)
15532	Sharpe General Cont.	24 Milton Dr	Re-Roof House	(V/L)
15533	Marrano/Marc Equity	17 Juniper Blvd	Er. DwlgSin.	
15534	Marrano/Marc Equity	14 St Davids Rd	Er. DwlgSin.	
15535	Manuella, James	22 Hemlock Ln	Er. Res. Add.	
15536	Iroquois Fence Co	3911 Bowen Rd	Er. Fence	
15537	Hein, Kristen	612 Harris Hill Rd	Re-Roof House	
15538	Smith, Joan	191N Maple Dr	Er. Fence	
15539	Armor Fence Co	63 Lancaster Ave	Er. Fence	(V/L)
15540	Duro-Shed Inc	393 Seneca Pl	Er. Shed	
15541	Browinski, David	40 Wren Ave	Er. Fence	(V/L)
15542	Gulla, Ronald	31 Redlein Dr	Er. Fence	
15543	Marrano/Marc Equity	12 St Davids Rd	Er. DwlgSin.	
15544	Pro Line Pools	181 Stony Rd	Er. Pool-Abv Grnd	
15545	Besroi Roofing	136 Sawyer Ave	Re-Roof House	(V/L)
15546	John's Home Improv	18 Squirrel Run	Re-Roof House	
15547	Freeman, Cassandra	1 Heritage Dr	Er. Fence	
15548	Decks Etc Inc	36 Chicory Ln	Er. Deck	
15549	Decks Etc Inc	2 Traceway	Er. Deck	
15550	Seibold Construction	22 Hidden Trl	Re-Roof House	
15551	Dobmeier, James	217 Pleasant View Dr	Er. Deck	
15552	Pro Line Pools	44 Cambria St	Er. Pool-Abv Grnd	(V/L)
15553	New Dimensions	138 Harvey Dr	Er. Res. Add.	(V/L)
15554	Patterson, Jack	29 Sawgrass Ln	Er. Deck	
15555	Seibold Construction	15 Southpoint Dr	Re-Roof House	
15556	Decks Unlimited	26 Pinetree Dr	Er. Deck	
15557	Adirondack Siding	31 Maple Ave	Re-Roof House	(V/L)
15558	American Fence Co	24 Ashwood Ct	Er. Fence	

15559	Yaeger Construction	9 Waltham Ave	Re-Roof House	(V/L)
15560	City Fence Inc	9 Chicory Ln	Er. Fence	
15561	Chameleon	6 Westbury Ln	Er. Pool-In Grnd	
15562	Chameleon	6 Westbury Ln	Er. Fence	
15563	Hillyard, Timothy	207 Nathan's Trl	Er. Shed	
15564	Oneida Fence Inc	44 Stream View Ln	Er. Fence	
15565	Sun Enterprises Inc	735 Aurora St	Er. Shed	
15566	Pro Line Pools	42 Apple Blossom	Er. Pool-Abv Grnd	
15567	Decks Unlimited	42 Apple Blossom	Er. Deck	
15568	Thompson, Mark	38 Woodgate Dr	Er. Deck	
15569	Marzec Const	47 Bentley Cir	Er. Res. Add.	
15570	Marzec Const	11 Butler Dr	Er. Res. Add.	
15571	Neth & Son Inc	32 Spruceland Ter	Re-Roof House	
15572	Iroquois Fence Inc	30 Petersbrook Cir	Er. Fence	
15573	Roberson, Leslie	81 Church St	Er. Fence	(V/L)
15574	Yunhke, John	5080 William St	Er. Fence	
15575	Babula, Timothy	85 Aurora St	Er. Patio Cover	(V/L)
15576	Refermat, James	187 Lake Ave	Re-Roof House	(V/L)
15577	Picket Fence	38 Camner Ave	Er. Fence	(V/L)
15578	Steger, Scott	6101 Broadway	Dem. Bldg	
15579	Robinson, Barbara	53 Wayne St	Er. Fence	(V/L)
15580	Batt, Jason	10 Linden Ave	Er. Fence	(V/L)
15581	Skalski, William	5152 William St	Er. Pole Barn	
15582	Marrano/Marc Equity	14 Carlisle St	Er. DwlgSin.	
15583	Nice, Robert	170 Ransom Rd	Er. Shed	
15584	Heritage Builders Inc	19 Rue Madeleine Way	Er. Porch Cover	
15585	Crist Construction	170 Pleasant View Dr	Er. Res. Add.	
15586	Cozy Homes	20 Burwell Ave	Re-Roof House	(V/L)
15587	Wurtz, James	5214 Genesee St	Re-Roof House	
15588	Besroi Construction	250 Warner Rd	Re-Roof House	
15589	Guardian Fences	35 Harvey Dr	Er. Fence	(V/L)
15590	Schwach, Charles	5432 Broadway	Re-Roof House	(V/L)
15591	Custom Home Imprv.	41 Sawgrass Ln	Er. Deck	
15592	Merker, August	24 Signal Dr	Re-Roof House	
15593	TR Renovations Inc	6 Montauk Ln	Re-Roof House	
15594	F & D Construction	5424 Broadway	Re-Roof House	(V/L)
15595	Ziemann, Michael	8 Candlestick Ct	Er. Deck	
15596	Complete Heat	39 Steinfeldt Rd	Install Generator	
15597	Ademec, Todd	728 Aurora St	Er. Res. Add.	
15598	Pro Line Pools	45 Apple Blossom Blvd	Er. Pool-Abv Grnd	
15599	RGGT LLC	52 Southpoint Dr	Re-Roof House	
15600	F & L Construction	107 Aurora St	Dem. Dwlg.	(V/L)
15601	Duro-Shed Inc	29 Ann Marie Dr	Er. Shed	
15602	Pease, Kenneth	13 Wren Ave	Er. Stairs	(V/L)
15603	Balistrieri, Theresa	49 Brandel Ave	Re-Roof House	(V/L)

# **BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

# **BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

#### SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, a suspension was granted.

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, TDL Group, 4455 Transit Road, Suite 2B, Williamsville, New York 14221, has submitted a site plan prepared by FRA Planning Designing Building dated October 1, 2007 and received October 5, 2007 for the proposed development of a 2,951 sq. ft. **Tim Hortons Restaurant** located at 6339 Transit Road, 320' north of Rehm Road, in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan and at its meeting October 17, 2007 has recommended approval of this project, and

**WHEREAS,** a SEQR Review of this project was held November 5, 2007 and a Negative Declaration was issued at that time;

WHEREAS, the TDL Group Received site plan approval for this project with certain conditions on November 5, 2007, and

WHEREAS, TDL Group, 4455 Transit Road, Suite 2B, Williamsville, New York 14221 submitted a revised site plan prepared by FRA Planning Designing Building and received on May19, 2008.

#### NOW, THEREFORE, BE IT

**RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the revised site plan submitted by TDL Group and prepared by FRA Planning Designing Building, received May 19, 2008 for the proposed development of a Tim Hortons Restaurant located at 6339 Transit Road, 320' north of Rehm Road in the Town of Lancaster with the following additional conditions:

- (1) The construction of a six (6) foot board on board fence from corner of parking lot extending to back; approximately 150 feet in length in order to screen the drive-through from the day care center to the south.
- (2) Egress/Ingress to Benderson access drive to the east.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

#### **COMMUNICATIONS & REPORTS**

228. Lorall Lake Home Owners Association to Supervisor, Town Clerk Letter of appreciation for meeting regarding the Lancaster Bike Path. DISPOSITION =
Received and Filed

229. Safety Steering Committee to Town Board Minutes of meeting held April 24, 2008. DISPOSITION = Received and Filed

- 230. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak Notice from the Town Forestry Department of no issues regarding site plan for Orville's Appliances addition, 3979 Walden Avenue. DISPOSITION = Received and Filed
- 231. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak Notice from the Town Forestry Department of non-response to recommendations regarding Aldi Food Store, 4931 Transit Road; comments noted. DISPOSITION = Planning Committee
- 232. Lancaster Rural Cemetery to Town Board Letter regarding status of efforts by Lancaster Rural Cemetery Association.
  DISPOSITION = Received and Filed
- 233. Roy Schneggenburger to Town Board Comments regarding Earth Day 2008. DISPOSITION = Received and Filed
- 234. Town Clerk to Town Board Monthly report for April 2008. DISPOSITION = Received and Filed
- 235. Town Line Fire Department to Town Clerk Notice of change in roster. DISPOSITION = Resolution 5/19/08
- 236. Patricia Kostecky to Supervisor -
- 237. Andrew J. Koss to Supervisor Notice of intention to retire effective July 10, 2008. DISPOSITION = Received and Filed

Notice of intention to retire effective August 1, 2008. DISPOSITION = Received and Filed

- 238. Depew Joint Veterans Committee to Supervisor -Invitation to the annual Memorial Day Ceremonies in Veterans Park, May 26, 2008 at 11:15 AM; also request permission to hold ceremony at Lancaster Rural Cemetery on May 24, 2008. DISPOSITION = Received and Filed
- 239. Niagara Street Associates LLC to Supervisor Request for "No Parking" sign to be erected on east side of Harris Hill Road at Tim
  Horton's Restaurant. DISPOSITION = For Public Hearing
- 240. Village of Lancaster to Town Board Minutes of work session held April 28, 2008. DISPOSITION = Received and Filed
- 241. Village of Lancaster to Town Board Minutes of meeting held April 28, 2008. DISPOSITION = Received and Filed
- 242. Planning Board to Town Board Recommend approval of site plan for Orville's Appliances addition, 3979 Walden Avenue;
  condition noted. DISPOSITION = Planning Committee
- 243. Planning Board to Town Board Recommend approval of site plan for Aldi Food Store, 4931 Transit Road; conditions noted.
  DISPOSITION = Planning Committee
- 244. Planning Board to Town Board Recommend approval of rezone petition for Cross Creek Subdivision, Pleasant View Drive
  near Pavement Road; conditions and comments noted. DISPOSITION = Planning
  Committee

245. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -

Draft copy of minutes of meeting held May 7, 2008. DISPOSITION = Received and Filed

246. Town Attorney to Town Board, Planning Board -

Notice of SEQR meeting to be held May 19, 2008, 6:30 PM regarding rezone petition for Auto Body Shop, 5035 Transit Road and Aldi's Food Store, 4931 Transit Road. DISPOSITION = Received and Filed

247. Town Clerk to Various News Media -

Notice of SEQR meeting to be held May 19, 2008, 6:30 PM regarding rezone petition for Auto Body Shop, 5035 Transit Road and Aldi's Food Store, 4931 Transit Road. DISPOSITION = Received and Filed

248. Town of Newstead to Town Board -

Transmittal of resolution regarding proposal to amend Real Property Tax Law regarding valuation of condominiums. DISPOSITION = Received and Filed

249. Erie County Department of Public Works to Town Attorney -

Comments regarding proposed Aldi Food Store, 4931 Transit Road. DISPOSITION = Planning Committee

250. NYS DEC to Town Attorney -

Notice of lead agency designation regarding Orville's Appliances addition, 3979 Walden Avenue; comment noted. DISPOSITION = Planning Committee

251. Chief of Police to Town Board -

Request appointment of Officer John Robinson and Officer Mitchell Converse to position of Police Lieutenant. DISPOSITION = Resolution 5/19/08

252. Erie County Department of Environment & Planning -

Notification of lead agency designation regarding rezone application for Affordable Senior Housing, 6026 Broadway; comments and recommendation noted. DISPOSITION = Planning Committee

253. Erie County Department of Health to Supervisor -

Notice of approval for construction of waterline replacement to service Ransom Road and Townline Road. DISPOSITION = Town Engineer

254. Chief of Police to Town Board -

Request resolution to award bid for new police vehicles to DeLacy Ford, the low bidder. DISPOSITION = Resolution 5/19/08

255. Highway Superintendent to Town Board -

Request resolution to hire seasonal employees. DISPOSITION = Resolution 5/19/08

# ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the meeting was adjourned at 9:33 P.M.

in memory of Joanne Horn.

Signed		
	Johanna M. Coleman, Town Clerk	_